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6 **BEFORE THE**  
7 **BOARD OF REGISTERED NURSING**  
8 **DEPARTMENT OF CONSUMER AFFAIRS**  
9 **STATE OF CALIFORNIA**

10 In the Matter of the Statement of Issues  
11 Against:

12 **JANELLE O'NEAL JONES**

13 Respondent.

Case No. 2012-630

**DEFAULT DECISION AND ORDER**

[Gov. Code, §11520]

14 **FINDINGS OF FACT**

15 1. On or about April 16, 2012, Complainant Louise R. Bailey, M.Ed., RN, in her official  
16 capacity as the Interim Executive Officer of the Board of Registered Nursing, Department of  
17 Consumer Affairs, filed Statement of Issues No. 2012-630 against Janelle O'Neal Jones  
18 (Respondent) before the Board of Registered Nursing. (Statement of Issues attached as Exhibit  
19 A.)

20 2. On or about April 17, 2012, Respondent was served by Certified and First Class Mail  
21 copies of the Statement of Issues No. 2012-630, Statement to Respondent, Notice of Defense,  
22 Request for Discovery, and Discovery Statutes (Government Code sections 11507.5, 11507.6,  
23 and 11507.7) at Respondent's address that she provided to the Board when she applied for  
24 licensure.

25 3. Service of the Statement of Issues was effective as a matter of law under the  
26 provisions of Government Code section 11505, subdivision (c) and/or Business & Professions  
27 Code section 124.

28 4. Respondent by her counsel of record, Scott J. Harris, Esq., by cover-letter dated  
August 14, 2012, withdrew her Request for Hearing following the Board's denial of her

1 application for Registered Nursing. A true and correct copy of the Withdrawal of Request for  
2 Hearing is attached hereto as Exhibit A.

3 5. Government Code section 11506 states, in pertinent part:

4 (c) The respondent shall be entitled to a hearing on the merits if the respondent  
5 files a notice of defense, and the notice shall be deemed a specific denial of all parts  
6 of the accusation not expressly admitted. Failure to file a notice of defense shall  
7 constitute a waiver of respondent's right to a hearing, but the agency in its discretion  
8 may nevertheless grant a hearing.

9 6. Respondent withdrawal of her Request for Hearing after service upon her of the  
10 Statement of Issues, constitutes a knowing and voluntary waiver of her right to a hearing on the  
11 merits of Statement of Issues No. 2012-630.

12 7. California Government Code section 11520 states, in pertinent part:

13 (a) If the respondent either fails to file a notice of defense or to appear at the  
14 hearing, the agency may take action based upon the respondent's express admissions  
15 or upon other evidence and affidavits may be used as evidence without any notice to  
16 respondent.

17 8. Pursuant to its authority under Government Code section 11520, the Board finds  
18 Respondent is in default. The Board will take action without further hearing and, based on the  
19 relevant evidence contained in the Default Decision Evidence Packet in this matter, as well as  
20 taking official notice of all the investigatory reports, exhibits and statements contained therein on  
21 file at the Board's offices regarding the allegations contained in Statement of Issues No. 2012-  
22 630, finds that the charges and allegations in Statement of Issues No. 2012-630, are separately  
23 and severally, found to be true and correct by a preponderance of evidence.

#### 24 DETERMINATION OF ISSUES

25 1. Based on the foregoing findings of fact, Respondent Janelle O'Neal Jones has not  
26 sustained her burden of proof that she should be issued a Registered Nurse License and that the  
27 Board's denial of her application should be set aside. .

28 2. The agency has jurisdiction to adjudicate this case by default.

3. The Board of Registered Nursing properly exercised its discretion in denying  
Respondent's application Registered Nurse License based upon the following violations alleged in

1 the Statement of Issues which are supported by the evidence contained in the Default Decision  
2 Evidence Packet in this case.:

3 a. Respondent's application is subject to denial under sections 480, subdivision (a)(1),  
4 2736, and 2761, subdivision (f), in conjunction with California Code of Regulations, title 16,  
5 section 1444, in that Respondent was convicted of crimes substantially related to the  
6 qualifications, functions or duties of a registered nurse, as follows:

7 b. On or about March 8, 2004, after pleading guilty, Respondent was convicted of one  
8 misdemeanor count of violating Penal Code section 415(a) [disturbing the peace] in the criminal  
9 matter entitled *The People of the State of California v. Janelle O'Neal Jones* (Super. Ct. Los  
10 Angeles County, 2002, No. 2SB07369). The Court sentenced Respondent to three (3) days in  
11 jail, and placed her on 12 months probation. The circumstances underlying the conviction are  
12 that on or about October 5, 2002, Respondent was under the influence of alcohol, unable to find  
13 her way home, and unable to care for herself.

14 c. On or about December 29, 1999, Respondent was convicted of two (2) misdemeanor  
15 counts of violating Montana Code section 45-7-302(1) [obstructing peace officer or other public  
16 servant] in the criminal matter entitled *People of the State of Montana v. Janelle O'Neal Jones*  
17 (Muni. Ct. Gallatin County, 1999, Nos. TK-1999-36506 and TK-1999-36510). The Court  
18 ordered Respondent to pay \$390.00 in fines. The circumstances underlying the conviction  
19 occurred on or about December 14, 1999, and Respondent was arrested.

20 d. Respondent's application is subject to denial under sections 480, subdivision (a)(3),  
21 2736, and 2762, subdivision (a), in conjunction with California Code of Regulations, title 16,  
22 section 1444, in that Respondent obtained or possessed dangerous drugs, to wit, heroin, as  
23 follows:

24 e. Respondent was arrested by officers of the Redondo Beach Police Department on  
25 about April 8, 2004 and found to be in possession of heroin.

26 f. Respondent's application is subject to denial under section 480, subdivision (a)(3), for  
27 committing substantially related acts which if done by a registered nurse would constitute cause  
28 for suspension or revocation of licensure, in that on or about March 8, 2004, and on or about

1 December 19, 1999, Respondent violated sections 490 and 2761, subdivision (f), by sustaining  
2 criminal convictions. Complainant refers to and by this reference incorporates the allegations set  
3 forth above in paragraphs b and c, inclusive, as though set forth fully.

4 g. Respondent admitted to being addicted to Crystal Meth for a period of approximately  
5 one and one half years during 2004 and 2005.

6 h. Respondent knowingly participated in a fraudulent scheme involving counterfeit  
7 driver's licenses and UPC bar codes for which she was arrested by officers of the Redondo Beach  
8 Police Department on or about April 8, 2004.

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1 ORDER

2 IT IS SO ORDERED that the Board's denial of Respondent Janelle O'Neal Jones'  
3 application for Registered Nurse License is upheld.

4 Pursuant to Government Code section 11520, subdivision (c), Respondent may serve a  
5 written motion requesting that the Decision be vacated and stating the grounds relied on within  
6 seven (7) days after service of the Decision on Respondent. The agency in its discretion may  
7 vacate the Decision and grant a hearing on a showing of good cause, as defined in the statute.

8 This Decision shall become effective on February 15, 2013.

9 It is so ORDERED January 14, 2013

10   
11 FOR THE BOARD OF REGISTERED NURSING  
12 DEPARTMENT OF CONSUMER AFFAIRS

13 default decision\_LIC.rtf  
14 DOJ Matter ID:LA2011504465

15 Attachment:

16 Exhibit A: Statement of Issues

17 Exhibit B: Withdrawal of Request for Hearing

## Exhibit A

Statement of Issues Case No. 2012-630

1 KAMALA D. HARRIS  
Attorney General of California  
2 MARC D. GREENBAUM  
Supervising Deputy Attorney General  
3 SHAWN P. COOK  
Deputy Attorney General  
4 State Bar No. 117851  
300 So. Spring Street, Suite 1702  
5 Los Angeles, CA 90013  
Telephone: (213) 897-9954  
6 Facsimile: (213) 897-2804  
*Attorneys for Complainant*  
7

8 **BEFORE THE**  
**BOARD OF REGISTERED NURSING**  
9 **DEPARTMENT OF CONSUMER AFFAIRS**  
10 **STATE OF CALIFORNIA**

11 In the Matter of the Statement of Issues  
Against:

Case No. **2012-630**

12 **JANELLE O'NEAL JONES**

**STATEMENT OF ISSUES**

13 Respondent.  
14

15 Complainant alleges:

16 **PARTIES**

17 1. Louise R. Bailey, M.Ed., RN (Complainant) brings this Statement of Issues solely in  
18 her official capacity as the Interim Executive Officer of the Board of Registered Nursing (Board).

19 2. On or about March 15, 2011, the Board received an application for a Registered  
20 Nurse License from Janelle O'Neal Jones (Respondent). On or about March 7, 2011, Janelle  
21 O'Neal Jones certified under penalty of perjury to the truthfulness of all statements, answers, and  
22 representations in the application. The Board denied the application on June 21, 2011.

23 **JURISDICTION**

24 3. This Statement of Issues is brought before the Board of Registered Nursing under the  
25 authority of the following laws. All section references are to the Business and Professions Code  
26 unless otherwise indicated.

27 **STATUTORY PROVISIONS**

28 4. Section 480 states, in pertinent part:

1       "(a) A board may deny a license regulated by this code on the grounds that the applicant  
2 has one of the following:

3       "(1) Been convicted of a crime. A conviction within the meaning of this section means a  
4 plea or verdict of guilty or a conviction following a plea of nolo contendere. Any action that a  
5 board is permitted to take following the establishment of a conviction may be taken when the  
6 time for appeal has elapsed, or the judgment of conviction has been affirmed on appeal, or when  
7 an order granting probation is made suspending the imposition of sentence, irrespective of a  
8 subsequent order under the provisions of Section 1203.4 of the Penal Code.

9       ....

10       "(3) (A) Done any act that if done by a licentiate of the business or profession in question,  
11 would be grounds for suspension or revocation of license.

12       "(B) The board may deny a license pursuant to this subdivision only if the crime or act is  
13 substantially related to the qualifications, functions, or duties of the business or profession for  
14 which application is made. . . ."

15       5. Section 490 provides that a board may suspend or revoke a license on the ground that  
16 the licensee has been convicted of a crime substantially related to the qualifications, functions, or  
17 duties of the business or profession for which the license was issued.

18       6. Section 2736 provides that the Board may deny a license when it finds that the  
19 applicant has committed any acts constituting grounds for denial of licensure under section 480.

20       7. Section 2761 states, in pertinent part:

21       "The board may take disciplinary action against a certified or licensed nurse or deny an  
22 application for a certificate or license for any of the following:

23       "(a) Unprofessional conduct, which includes, but is not limited to, the following:

24       ....

25       "(f) Conviction of a felony or of any offense substantially related to the qualifications,  
26 functions, and duties of a registered nurse, in which event the record of the conviction shall be  
27 conclusive evidence thereof. . . ."





1 counts of violating Montana Code section 45-7-302(1) [obstructing peace officer or other public  
2 servant] in the criminal matter entitled *People of the State of Montana v. Janelle Oneal Jones*  
3 (Muni. Ct. Gallatin County, 1999, Nos. TK-1999-36506 and TK-1999-36510). The Court  
4 ordered Respondent to pay \$390.00 in fines. The circumstances underlying the conviction  
5 occurred on or about December 14, 1999, and Respondent was arrested.

6 **SECOND CAUSE FOR DENIAL OF APPLICATION**

7 **(Obtain or Possess Dangerous Drugs)**

8 11. Respondent's application is subject to denial under sections 480, subdivision (a)(3),  
9 2736, and 2762, subdivision (a), in conjunction with California Code of Regulations, title 16,  
10 section 1444, in that Respondent obtained or possessed dangerous drugs, to wit, heroin, as  
11 follows:

12 a. Respondent was arrested by officers of the Redondo Beach Police Department on or  
13 about April 8, 2004 and found to be in possession of heroin.

14 **THIRD CAUSE FOR DENIAL OF APPLICATION**

15 **(Conduct Warranting License Discipline)**

16 12. Respondent's application is subject to denial under section 480, subdivision (a)(3), for  
17 committing substantially related acts which if done by a registered nurse would constitute cause  
18 for suspension or revocation of licensure, in that on or about March 8, 2004, and on or about  
19 December 19, 1999, Respondent violated sections 490 and 2761, subdivision (f), by sustaining  
20 criminal convictions. Complainant refers to and by this reference incorporates the allegations set  
21 forth above in paragraph 10, subparagraphs a and b, inclusive, as though set forth fully.

22 11. Respondent admitted to being addicted to Crystal Meth for a period of approximately  
23 one and one half years during 2004 and 2005.

24 12. Respondent knowingly participated in a fraudulent scheme involving counterfeit  
25 driver's licenses and UPC bar codes for which she was arrested by officers of the Redondo Beach  
26 Police Department on or about April 8, 2004.

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**PRAYER**

WHEREFORE, Complainant requests that a hearing be held on the matters herein alleged, and that following the hearing, the Department of Consumer Affairs issue a decision:

1. Denying Janelle O'Neal Jones' Registered Nurse License Application; and
2. Taking such other and further action as deemed necessary and proper.

DATED: April 16, 2012

*for* *Louise Bailey*  
LOUISE R. BAILEY, M.ED., RN  
Interim Executive Officer  
Board of Registered Nursing  
State of California  
*Complainant*

LA2011504465  
1/30/2012dmm  
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**Exhibit B**

**Withdrawal of Request for Hearing**

BEFORE THE  
BOARD OF REGISTERED NURSING  
DEPARTMENT OF CONSUMER AFFAIRS  
STATE OF CALIFORNIA

In the Matter of the Statement of Issues  
Against:

JANELLE O'NEAL JONES

Respondent.

Case No. 2012-630

RESPONDENT / APPLICANT'S NOTICE  
OF WITHDRAWAL OF REQUEST FOR  
HEARING

In accordance with California Code of Regulation, title 1, section 1014(c), a party withdrawing a request for hearing, shall immediately notify the Office of Administrative Hearings and all parties. I understand that a hearing will be held upon the charges made in the Statement of Issues unless I notify the Board of Registered Nursing that I do not want the hearing previously requested on the denial of my Registered Nurse License application.

IF YOU WISH TO WITHDRAW YOUR NOTICE OF DEFENSE OR REQUEST FOR A HEARING, PLEASE DO SO BY DATING AND SIGNING BELOW AND DELIVERING OR MAILING THIS FORM TO:

Shawn P. Cook  
Deputy Attorney General  
Ronald Reagan Building  
300 South Spring Street, Suite 1702  
Los Angeles, CA 90013

TO THE BOARD OF REGISTERED NURSING:

I, the undersigned Respondent in this proceeding, hereby acknowledge receipt of a copy of the Statement of Issues; the Statement to Respondent; Respondent/Applicant's Notice of Designation of Counsel (2 copies); Respondent/Applicant's Notice of Withdrawal of Request for Hearing (2 copies); Request for Discovery; and Discovery Statutes.

I withdraw my letter requesting a hearing.

8.14.2012

Date

Signature

Scott J. Harris, Esq.

Print Name

for Respondent  
Janelle Jones.

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